

**In The Matter Of:**  
*UNITED STATES OF AMERICA v*  
*MUSTAFA KAMEL MUSTAFA,*

---

*April 17, 2014*

---

*SOUTHERN DISTRICT REPORTERS*  
*500 PEARL STREET*  
*NEW YORK, NY 10007*  
*212 805-0330*

Original File E4HLMUSF.txt

**Min-U-Script® with Word Index**

E4HLMUS1	Trial	Page 52	E4HLMUS1	Trial	Page 54
1	seconds in private, please.		1	think you need to do. It's simply to sort of plan how we're	
2	MR. DRATEL: Before I forget. Before the jury comes		2	going to break things and stage things, all right. But you'll	
3	in, I just want to put something on the record. I don't want		3	hear me talk repeatedly about that.	
4	do to it here because Mr. Mustafa should be part of it, but he		4	(Juror present at side bar)	
5	asked me to tell the Court that we resolved the issue and we		5	THE COURT: Good morning, sir. Just for the record,	
6	don't need to address the letter.		6	what's your name, sir?	
7	THE COURT: Would you have an application to have that		7	JUROR: Branko Varenika.	
8	filed under seal?		8	THE COURT: My deputy has informed me that your wife	
9	MR. DRATEL: Yes.		9	is a physician for the government.	
10	THE COURT: That application is granted and you folks		10	JUROR: Yes. She's working in VA hospital.	
11	can -- if you object to that, let me know.		11	THE COURT: Okay.	
12	MR. CRONAN: No.		12	JUROR: And I forgot to tell you that.	
13	THE COURT: You don't object.		13	THE COURT: And which VA hospital is she in?	
14	MR. McGINLEY: No objection.		14	JUROR: Brooklyn.	
15	THE COURT: Thank you. And then why don't you folks		15	THE COURT: And so is she employed by the U.S.	
16	tell me what you'd like to do.		16	government or by a private healthcare organization?	
17	(Pause)		17	JUROR: You know, I'm not hundred percent sure, but	
18	THE COURT: Do you folks want to confer?		18	probably she's employed by government because VA hospital in	
19	What are your thoughts?		19	Brooklyn is government hospital.	
20	MR. CRONAN: For No. 9, we'd ask that the Court bring		20	THE COURT: Okay. Do you think that the fact that	
21	her out here and inquire of her as to the basis for why she		21	your wife is employed by the U.S. government at a VA hospital	
22	wants to be removed from the jury. I expect that we will agree		22	would make you unable to be fair and impartial in this case?	
23	to her being removed. I think it will be important though to		23	JUROR: I don't think so.	
24	make sure that she has not conveyed her desire to get off the		24	THE COURT: All right. Was there anything else,	
25	jury to the other jurors. We're going to be faced with a flood		25	counsel, you'd like me to ask? You may go back. Thank you.	
E4HLMUS1	Trial	Page 53	E4HLMUS1	Trial	Page 55
1	of similar requests.		1	(Juror not present)	
2	With respect to juror six, we did not get a chance to		2	(Juror present at side bar)	
3	talk together. But the government's view is we don't see any		3	THE COURT: You don't have to be nervous. I know it's	
4	problem with him saying on the jury, but again, for the record,		4	a big crowd. I understand you spoke to my deputy about some	
5	he should come out and be asked those questions.		5	issues that you have?	
6	MR. SCHNEIDER: I'm fine with everything he said.		6	JUROR: Financial issues.	
7	THE COURT: What I would propose to do is have them		7	THE COURT: We need you to say for the record, just	
8	come out right now, line up here. Do what we did during voir		8	keep your voice low but so that the court reporter can hear	
9	dire, deal with it right now. And if we dismiss No. 9, what I		9	you, your name, and explain to us a little bit about the	
10	typically tend to do is take the alternates in the order in		10	issues.	
11	which they're seated in the box unless there's any view it		11	JUROR: Okay. My name is Writaja Mitra. I was	
12	should be done differently. I just fill them in as we go.		12	informed by my employer yesterday that they are not going to	
13	MR. SCHNEIDER: I understand. Yes, that's my		13	pay me more than three days and I have a one-year-old baby that	
14	understanding of how it's done.		14	I have to keep him in day care. If they don't pay me, I cannot	
15	MR. DRATEL: I didn't expect different.		15	keep him in day care because currently we're living paycheck to	
16	MR. McGINLEY: Thank you, your Honor.		16	paycheck and my husband doesn't work, doesn't get paid. So we	
17	THE COURT: Let's bring out nine and the other fellow.		17	have to pay the bills, especially for the day care. I cannot	
18	MR. DRATEL: While we're waiting, one of the products		18	keep him, so I have to bring him here. No choice. I have	
19	of the resolution of the letter is that the opening will be a		19	nobody to take care of him without the day care.	
20	little longer.		20	THE COURT: And are you an hourly worker or a salaried	
21	THE COURT: Understood. As I said to you folks, I		21	worker?	
22	will not cut you off nor will I truncate direct examinations or		22	JUROR: I'm salary worker.	
23	cross-examinations in a criminal case. You will hear me ask		23	THE COURT: And your employer hasn't said he's going	
24	repeatedly what's your projection, how long are things going to		24	to fire you, has he?	
25	go. Do not take that as my desire to have you do less than you		25	JUROR: No, he just don't pay me. They gave me a	

e4homus4	Morris - direct	Page 172	e4homus4	Morris - direct	Page 174
1	mostly sealed?		1	Q. Why?	
2	A. Yes.		2	A. At the time, I had been cooperating with the FBI, and	
3	Q. Now, Ms. Morris, after the agents searched the apartment		3	wearing a wire, and doing these phone recordings. And I was	
4	where you lived on May 17, 2002, did there come a time when you		4	fearing for my safety, because there were other members of the	
5	started cooperating with law enforcement?		5	mosque who I was having to record living near me, and they knew	
6	A. Yes.		6	where my residence was.	
7	Q. Now, what kinds of activities were you asked to do by law		7	Q. Did you request that the FBI relocate you?	
8	enforcement?		8	A. No, I did not.	
9	A. I was asked to record certain phone conversations. And I		9	Q. Now, with some of the money that you received from the FBI,	
10	was asked, also, to wear a wire, to have face-to-face		10	was that in connection with expenses associated with that	
11	conversations with people that were in the mosque.		11	meeting?	
12	Q. Now, as part of your work with the FBI, did there ever come		12	A. Yes.	
13	a time when you made recorded phone calls to Abu Abdallah?		13	MR. KIM: Your Honor, I would like to read just an	
14	A. Yes.		14	excerpt from government exhibit 22, which is a stipulation	
15	MR. KIM: Your Honor, I just like to read a portion of		15	between the parties.	
16	two stipulations at this point.		16	THE COURT: All right, you may proceed.	
17	Government exhibit 7 would be the first one.		17		
18	THE COURT: All right, you may proceed.		18		
19	MR. KIM: Thank you.		19		
20	The parties have agreed that on October 21st, 2003,		20		
21	the Swedish Security Police, known as SAPO, conducted a lawful		21		
22	search of the residence of Oussama Abu Abdallah Kassir, which		22		
23	was located at 400 Fornbyvagen 17, Spanga, Sweden.		23		
24	I'll also offer the stipulation, government exhibit 7.		24		
25	Government exhibit 8.		25		
E4homus4	Stipulation	Page 173	E4homus4	Stipulation	Page 175
1	One, the parties have agreed that on January 10, 2006,		1	MR. KIM: Thank you. The parties have agreed that	
2	SAPO conducted a second lawful search of residence of Oussama		2	government exhibit 113 is a fair and accurate recording of	
3	Abdullah Kassir, located at Fornbyvagen 17, Spanga, Sweden.		3	portions of a program broadcast by CBC News on or about June 6,	
4	We offer government exhibits 7 and 8, your Honor.		4	2002.	
5	THE COURT: Mr. Schneider.		5	The parties agree that government exhibit 113 and this	
6	MR. SCHNEIDER: No objection.		6	stipulation, may be received in evidence. And at this time,	
7	THE COURT: Received.		7	the government offers government exhibit 22 and 113.	
8	(Government's Exhibits 7,8 received in evidence)		8	MR. SCHNEIDER: No objection.	
9	BY MR. KIM:		9	THE COURT: All right, government exhibits 22 and 113	
10	Q. After you started cooperating with the law enforcement,		10	received in evidence.	
11	were you actually in fact signed up by the FBI as a		11	MR. KIM: Thank you, your Honor.	
12	confidential source?		12	And at this time, we also offer 113C, which the	
13	A. I don't know.		13	parties have agreed is a copy of a portion of 113.	
14	Q. Did you do cooperative work for the FBI?		14	THE COURT: Any objections?	
15	A. Yes.		15	MR. SCHNEIDER: No, your Honor.	
16	Q. Now, did there ever come a time when you received money		16	THE COURT: 113C received.	
17	from the FBI?		17	(Government's Exhibits 22, 113, 113C received in	
18	A. Yes.		18	evidence)	
19	Q. And approximately during what time period did you receive		19	MR. KIM: Ms. Quinones, if you could please put up	
20	money from the FBI?		20	government exhibit 113C. And let's play that video.	
21	A. From what I recall, it was from 2002 until I think 2005,		21	THE COURT: If you are going to play 113, then I am	
22	and then there was one occasion in 2012 that I recall, also.		22	going to do an instruction. Are you going to --	
23	Q. Now, did there come a time when you were actually,		23	MR. KIM: We will, your Honor, right after this clip.	
24	physically, relocated by the FBI?		24	113C has no audio.	
25	A. Yes.		25	THE COURT: I see, all right.	

<p>E4h1mus6 Morris - cross Page 288</p> <p>1 brother any of the techniques that he learned or used from his 2 training experience in Afghanistan and Kashmir?" 3 "A. Yes. He showed me and my brother how to properly 4 slice someone's throat." 5 A. Yes, he did. 6 Q. Okay. So that's you and your brother. You didn't mention 7 Semi, you didn't mention Haroon, just you and your brother? 8 A. Showed us. It was a demonstration for us. 9 Q. Right. In that grand jury testimony, under oath, when you 10 were asked who he'd do it to, and in fact, specifically you 11 were asked if he showed you or Semi, Semi's name was mentioned 12 in the question, you didn't say: Oh, yes, me, Semi, my 13 brother, and Haroon. You said: Me and my brother. Right? 14 A. That's -- I don't recall exactly what I said. 15 Q. And sometime later, he gave this knife to you like as a 16 souvenir, right? 17 A. I don't know what it was considered. He just gave it to 18 me. 19 Q. Well, was he like flirting with you? 20 A. No, he just handed me the knife and said I could have it. 21 I just -- I don't remember what the circumstances were. 22 Q. But he also gave a ring to your daughter, didn't he? 23 A. Yes. 24 Q. Right? So he was just kind of like trying to make nice, 25 right?</p>	<p>E4h1mus6 Morris - cross Page 290</p> <p>1 would incriminate themselves, right? 2 A. I guess you could call it that. 3 Q. Well, I don't want to put any words in your mouth, right? 4 When you called somebody on the phone and you were recording it 5 on a tape recording, they were supposed to incriminate 6 themselves, right? 7 A. Yes. 8 Q. When you wore a wire on your body to record a face-to-face 9 conversation with someone who was a potential suspect, you had 10 them make statements in the hopes they would incriminate 11 themselves, right? 12 A. Yes. 13 Q. Now when this gun, this 12-gauge Mossberg, that was bought 14 in Klamath Falls, right? 15 A. Yes. 16 Q. And you don't know who actually bought it, do you? You 17 don't know if it's Semi, Kassir, Haroon; you don't know, do 18 you? 19 A. I don't know. 20 Q. But did you actually see the gun? 21 A. Yes. 22 Q. You know what it looks like, right? 23 A. Yes. 24 Q. And it was -- as far as you know, it was bought in a store, 25 right?</p>
<p>E4h1mus6 Morris - cross Page 289</p> <p>1 A. I don't know what his intentions were. 2 Q. And you took that knife, didn't you? 3 A. Yes. 4 Q. You kind of felt privileged that he gave you this knife and 5 you took it, didn't you? 6 A. I couldn't tell you what I felt about it. 7 Q. Now -- well, okay. You said you gave the knife to the 8 agents sometime later, right? 9 A. Yes. 10 Q. Well, when you got the knife, it was 1999, or 2000, maybe? 11 A. Around 2000, yes. 12 Q. Would have to be January, right? 13 A. Somewhere in that time frame. 14 Q. Okay. And so we're talking about January 2000. So in 15 2001, 2002, 2003, '4, you kept that knife, didn't you? 16 A. Yes. 17 Q. And during that period of time from 2002 up until 2005, you 18 were cooperating with the FBI, right? 19 A. Yes. 20 Q. You were helping them to try to catch other people who were 21 criminals, right? 22 A. I don't know if that was my intention. I was cooperating 23 with them. I wouldn't say I was helping them catch criminals. 24 I don't -- I was just cooperating. 25 Q. You were cooperating to try to get people to see if they</p>	<p>E4h1mus6 Morris - cross Page 291</p> <p>1 A. I'm assuming so. I don't know. 2 Q. It wasn't bought like on the black market from some 3 criminal in a back alley, was it, as far as you know? 4 A. I don't know where it was bought. 5 Q. But the gun, from what you could see, was not custom made, 6 was it? 7 A. No, not to my knowledge. 8 Q. And it wasn't engraved with any specific indicator on it, 9 was it? 10 A. No. 11 Q. There were no markings on it that were added to it 12 afterwards, were there? 13 A. It had a unique grip. 14 Q. What was unique about it? 15 A. It was -- there was a pistol grip on it. It had been -- it 16 didn't have the standard stock. It had a pistol grip. It was 17 a very specific-looking shotgun. 18 Q. So when you looked at the picture that was shown on the 19 wall one time, government exhibit, you said that looked like 20 the gun, that didn't have a pistol grip, did it? 21 A. No. 22 Q. Okay. But yet you said that the gun that was shown to you, 23 the government exhibit, was what appeared to be the same gun as 24 the shotgun that was bought in Klamath Falls, right? 25 A. It looked similar aside from the grip.</p>